



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/529,717  
Applicant : KIMURA et al.  
Filed: : August 22, 2000  
TC/A.U. : 1711  
Examiner : Rabon A. Sergeant

Confirmation No.: 3228

Docket No. : 7372/70942  
Customer No. : 42798

Commissioner for Patents  
U.S. Patent and Trademark Office  
220 20th Street, South  
Customer Window, Mail Stop **AF**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

September 9, 2004

**NOTICE OF APPEAL FROM THE  
EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

To the Board of Patent Appeals and Interferences from the decision of the Examiner mailed March 15, 2004, rejecting the following claims: 2, 3 and 5-29.

The items checked below are appropriate:

**1. Status of**

This application is on behalf of ☒ other than a small entity or ☐ a small entity.

**2. Fee for Filing Notice of Appeal**

Pursuant to 37 CFR 1.17(b), the fee for filing the Notice of Appeal is for: ☒ other than a small entity or ☐ a small entity.

09/10/2004 SDENB01 00000098 061135 09529717

01 FC:1401 330.00 DA  
02 FC:1253 950.00 DA

**Notice of Appeal Fee due: \$330.00**

Appln. No. 09/529,717  
Notice of Appeal dated Sept. 9, 2004  
Reply to Office Action of March 15, 2004

**3. Extension of Time**

- ☒ Petition for a three-month extension of time under 37 CFR 1.136, the fee for which is \$950.00.
- ☐ An extension for has already been secured and the fee paid therefor of is deducted from the total fee due for the total amounts of extension now requested.
- ☐ that no extension of time is required. However, this conditional petition is being made to provide for the possibility that inadvertently overlooked the need for a petition and fee for extension of time.

**Extension fee due with this request: \$950.00**

**4. Total Fee Due**

The total fee due is:

Notice of Appeal Fee	\$330.00
Extension Fee (if any)	\$950.00

**Total Fee Due: \$1,280.00**

**5. Fee Payment**

- ☐ Attached is a check in the sum of \$ .
- ☒ Charge Account No. 06-1135 the sum of \$1,280.00, under Order No. 7372/70942. A duplicate of this transmittal is attached.

Appln. No. 09/529,717  
Notice of Appeal dated Sept. 9, 2004  
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**6. Fee Deficiency**

- If any additional fee is required in connection with this communication, charge Account No. 06-1135. A duplicate of this transmittal is attached.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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